



State of New Hampshire

PUBLIC EMPLOYEE LABOR RELATIONS BOARD

AMERICAN FEDERATION OF STATE, COUNTY AND
MUNICIPAL EMPLOYEES, LOCAL 1801
(POLICE DEPT.)

Petitioner

and

TOWN OF DERRY

Respondent

CASE NO. P-0702:7

DECISION NO. 89-48

APPEARANCES

Representing the American Federation of State, County and Municipal Employees:

James C. Anderson

Representing the Town of Derry:

Gary W. Wulf

Also Appearing:

Chief Edward Garone

BACKGROUND

On September 30, 1988, Local 1801 AFSCME filed a Petition to Modify the Derry Support Staff Bargaining Unit. AFSCME originally was certified as the representative for the bargaining unit on April 11, 1983, which included the Administrative Support Staff. The positions of dispatchers and clerical help in the Police Department were not included in the certified Support Staff Unit.

Gary Wulf, for the Town, took exception to the petition stating that to his knowledge, the matter of modification had never been discussed by the parties, citing PELRB Rule 2.5, dealing with "Modification of Bargaining Units", and that negotiations of the existing contract never included these positions. He suggested that an election was in order and that community of interest aspect was not met.

Hearing in this matter was held at PELRB Office on April 25, 1989.

Anderson for AFSCME argued that the original certification included the clerical positions for all other town departments but the police dispatchers and certain other clerical help had inadvertently been left out of the original list. The dispatchers had not been considered at that time as they were believed to be a part of the police unit. Further, that the dispatchers were not included in the police bargaining unit and his discussion with the dispatchers indicated a desire to be represented by a union and should not be denied.

The positions involved in the Modification Petition are: (5) Dispatchers, (1) Payroll Clerk, (1) Evidence Clerk, (1) Clerk Typist and the Secretary to the Chief.

Wulf, for the Town, argued that the individuals occupying these positions should be given the opportunity to decide by vote on representation, and that the petitioned positions had more community of interest with the police officers represented by IBPO than with the support staff and made reference to the dispatchers in the Fire Department, who are a part of the firefighters unit represented by IAFF and further, the Town felt the Private Secretary to the Chief, should be excluded based on 273-A:11, IX (c), confidential nature of the position.

Chief Edward Garone, testified that in the modification of the unit in June of 1985, the position of dispatcher was not discussed; that the duties of the dispatcher had not changed and they worked generally, the same hours as the police officers; were uniformed on duty, and enjoyed the same fringes as the police officers.

Job descriptions were submitted for Secretary to the Chief, Dispatcher and Payroll clerks.

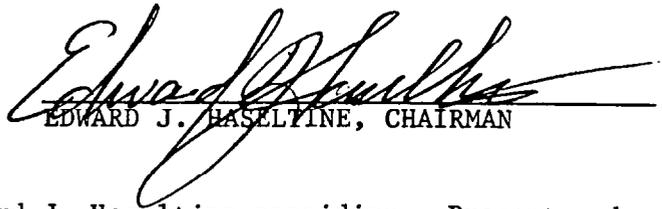
Upon review of the oral and written testimony presented at the hearing, the Board finds as follows:

1. The Board generally has included dispatchers and clerical help in with department bargaining units where organized and petitioned because of the community of interest factor.
2. The petition before us is a specific request to include the positions in the existing Support Staff bargaining unit.
3. The petitioner, AFSCME Local 1801, indicated a willingness to consider the dispatchers becoming members of the Police Unit should they at some future date so desire.
4. There appeared an expressed desire on the part of certain individuals holding the positions for representation.

The Modification Petition is granted as follows:

Included in the unit: Dispatchers, Payroll Clerk,
Clerk Typist, Evidence Clerk, Police Department
Employees. Excluded from the Support Staff bargaining
unit: Private Secretary to the Chief of Police.

Signed this 12th day of June, 1989



EDWARD J. HASELTINE, CHAIRMAN

By unanimous vote: Chairman Edward J. Haseltine presiding. Present and voting, Seymour Osman and Richard Molan. Also present, Executive Director, Evelyn C. LeBrun.